

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Logan M. Castro,

Plaintiff

V.

Russell A. Stewart, et al.,

## Defendants

Case No.: 2:19-cv-01856-JAD-NJK

## Order Dismissing and Closing Case

In February 2020, the court sent a notice to plaintiff advising him under Federal Rule of Civil Procedure 4(m) that he had not filed a proof of service for the remaining defendant and that the claims against him would be dismissed without prejudice unless plaintiff filed a proof of service by November 14, 2020.<sup>1</sup> That deadline passed long ago, and plaintiff has not filed proof that the defendant has been served or taken any other action in this case.

FRCP 4(m) requires service of the summons and complaint to be completed within 90 days of the complaint’s filing, and “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”<sup>2</sup> Accordingly,

<sup>1</sup> ECF No. 17.

<sup>2</sup> Fed. R. Civ. Proc. 4(m).

1 IT IS HEREBY ORDERED that **THIS ACTION IS DISMISSED** without prejudice  
2 under FRCP 4(m). The Clerk of Court is directed to enter judgment accordingly and CLOSE  
3 THIS CASE. IFP status should not continue on appeal.

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6 U.S. District Judge Jennifer A. Dorsey  
7 February 16, 2022  
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